

**BENJAMIN F. WESLEY.**

MARCH 5, 1840.

Laid on the table.

MR. CHITTENDEN, from the Committee on Invalid Pensions, made the following

**REPORT:**

*The Committee on Invalid Pensions, to whom was referred the petition of Benjamin F. Wesley, report :*

The petitioner represents that he was wounded and taken prisoner at the battle of Queenstown, Upper Canada, on the 13th of October, 1812, and that he delayed asking a pension until loss by fire reduced him to indigent circumstances. He now prays for a pension, to commence at the time of his discharge from the service of the United States. Accompanying his petition is his discharge, dated at Greenbush, the 3d of February, 1814.

The affidavit of John McGowan, dated the 25th of November, 1828, avers that deponent and petitioner were privates in Captain Malcolm's company at the time of the attack on Queenstown, and were both taken prisoners by the British.

The affidavit of Patrick McKeon, dated the 19th of December, 1828, avers that deponent was well acquainted with the abovenamed John McGowan, who was a man of good character for truth and veracity, and that the said McGowan died on the 7th of December aforesaid; that McGowan had several times stated to deponent that he was by the side of the said Wesley when he was wounded at the attack on Queenstown, and that this fact was stated by McGowan at the time his affidavit was drawn, (deponent being present,) but that the said fact was improperly omitted by the notary who drew the affidavit.

Daniel Ammerman alleges, in his affidavit, that deponent was a private in Captain Malcolm's company; was well acquainted with petitioner; was present with him at the attack on Queenstown, and knows the facts set forth in the deposition of petitioner to be true.

There is no certificate of the character for truth and veracity of either of the abovenamed deponents.

James J. Wright, physician, swears that, by satisfactory evidence and accurate examination, it appears that petitioner received a wound from a rifle bullet in the left knee, which deponent describes, and that petitioner is thereby totally disabled.

The honorable A. Beaumont certifies that he has examined the wound of petitioner, and fully corroborates the evidence of the last named depo-

nent; and also certifies to his high character, and that he is now an assistant surgeon in the United States army.

The only evidence in this case which is certified to be credible is that of James J. Wright; and he testifies, not from any knowledge derived at the time, but from an examination made many years after the wound is said to have been received; therefore, the committee do not feel warranted in granting the prayer of the petitioner.

March 3, 1840.

Laid on the table.

Mr. CATTRELL, from the Committee on Invalid Pensions, made the following

### REPORT:

The Committee on Invalid Pensions, to whom was referred the petition of Benjamin F. Wesley, report:

The petitioner represents that he was wounded and taken prisoner at the battle of Queenstown, Upper Canada, on the 13th of October, 1812, and that he delayed asking a pension until loss by fire reduced him to indigent circumstances. He now prays for a pension, to commence at the time of his discharge from the service of the United States. Accompanying his petition is his discharge, dated at Queenstown, the 3d of February, 1814.

The affidavit of John McGowan, dated the 25th of November, 1835, avers that deponent and petitioner were privates in Captain Malcolm's company at the time of the attack on Queenstown, and were both taken prisoners by the British.

The affidavit of Patrick McKee, dated the 19th of December, 1835, avers that deponent was well acquainted with the above-named John McGowan, who was a man of good character for truth and veracity, and that the said McGowan died on the 7th of December aforesaid; that McGowan had several times stated to deponent that he was by the side of the said Wesley when he was wounded at the attack on Queenstown, and that this fact was stated by McGowan at the time his affidavit was drawn (deponent being present), but that the said fact was improperly omitted by the notary who drew the affidavit.

(James A. Bowman, alleges, in his affidavit, that deponent was a private in Captain Malcolm's company; was well acquainted with petitioner; was present with him at the attack on Queenstown, and knows the facts set forth in the deposition of petitioner to be true.)

There is no certificate of the character for truth and veracity of either the above-named deponents.

James J. Wright, physician, avers that by satisfactory evidence and accurate examination, it appears that petitioner received a wound from a rifle bullet in the left knee, which disabled him, and that petitioner is thereby totally disabled.

The honorable A. Beaumont certifies that he has examined the wound of petitioner, and fully corroborates the evidence of the last named deponent.

That a true and correct